

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
ALPHA VETERINARY SUPPLY, INC., a corporation  vs  AMERICAN HOESCHT CORPORATION and <del>EVSCO PHARMACEUTICAL CORP.</del> , <i>dismissed</i> <i>3-16-72</i>		<b>For plaintiff:</b> Irvine E. Ungerman, <i>244-6101</i> <del>Richard Howard</del> Ungerman, Grabel, Ungerman & Leiter Sixth Floor Wright Bldg. Tulsa, Okla. 74103 Edgar, Manipella <sup>Bencile</sup> & Williams 1920 So. Lewis Tulsa, Okla. 74104 743-8841  <b>For defendant:</b> <i>575 5041</i> <i>(Gable, W. Gable)</i> R. Dobie Langenkamp, William Anderson Doerner, Stuart, Saunders, Daniel & Langenkamp 1200 Atlas Life Building Tulsa, Oklahoma 74103 Richard W. Gable <i>(H. W. Gable)</i> Gable, Gotwals, Hays, Rubin & Fox 2010 Fourth Natl. Bank Bldg. Tulsa, Oklahoma 74119					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed <i>4-1-71</i>	Clerk	3-30-71	Ungerman	15 00			
		4-1-71	C.D.No. 43		15 00		
J.S. 6 mailed <i>5-1-73</i>	Marshal						
Basis of Action: Money Judgment	Docket fee						
	Witness fees						
Action arose at: Tulsa	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-30-71	Complaint filed. Summons issued. m	
3-30-71	Request for production of documents under rule 34 to deft. Amer. Hoescht Corp, filed. (Included in summons)m	
3-30-71	Request for production of documents under rule 34 to deft. Evsco Pharmaceutical Corp, filed. (Included in summons)m	
4-6-71	Summons issued. h	
4-7-71	Return of Summons. Served American Hoescht Corp by serving the Sec. of State in Oklahoma City, Oklahoma on 4-2-71 (Fee \$4.00) Served Evsco Pharmaceutical Corp by serving the Sec. of State in Oklahoma City, Oklahoma on 4-2-71 (Fee 4.72)	
4-26-71	Return of U. S. Marshals Service. Served American Hoescht Corp by serving Corp. Trust Co., registered service agent at New York, N.Y. on 4-14-71 at 11:30 A.M. (Fee 9.20) Filed. r	
4-26-71	Return of U. S. Marshals Service. Service of Evsco Pharmaceutical Corporation - was incomplete. Not listed at this address, filed. r	
4-30-71	Request of deft. American Hoescht Corp for enlargement of time to plead or answer, filed. m	
5-3-71	Order granting deft. American Hoescht Corp. an enlargement of time in which to plead or answer (30 days from date), filed. (LB-J)m (copies mailed)	
6-2-71	Deft's. Amer. Hoechst Corp, Motion for a more definite Statement with attached Memorandum of Points and authorities in support of Motion for a more definite statement, filed. r	
6-3-71	Alias summons, returned & filed: Evsco Pharmaceutical Corp. served by serving Conrad Alper, Pres., Long Island, N.Y. (USM \$14.00)g	
6-14-71	Motion of deft. Evsco Pharmaceutical Corporation to quash service of summons and to dismiss for want of jurisdiction and improper venue or in the alternative, to transfer to the Eastern District of New York, filed. m	
6-14-71	Memorandum in support of alternative motion to transfer to the Eastern District of New York, filed. m	
6-14-71	Memorandum in support of motion of deft. Evsco to dismiss for improper venue, filed. m	
6-14-71	Memorandum in support of motion of deft. Evsco to quash service of process and dismiss for want of jurisdiction, filed. m	
6-15-71	Affidavit of Conrad Alper, filed. m	
6-24,71	Response of Plaintiff to Motion of Defendant to Quash Service of Summons and to Dismiss for want of Jurisdiction, filed. v	
6-24-71	Memorandum in Response of Plaintiff to Memorandum in Support of Motion of Defendant, Evsco, to quash service of process and dismiss for want of jurisdiction and improper venue, filed. v	
6-24-71	Affidavit of Richard E. Hackler, filed. v	
6-24-71	Affidavit of Conrad Alper, filed. v	
7-2-71	Affidavit of Richard E. Hackler, filed. m	
7-27-71	Case passed by agreement of parties from hearing set this date on deft's motions. (LB-J)m	
8-13-71	Motion to Produce, filed by the Deft., filed. r	
8-13-71	Interrogatories by Deft., American Hoechst Corporation, filed. r	
8-20-71	Supplemental Affidavit of Conrad Alper, filed. v	
9-7-71	Application (entry of appearance) of Edgar, Manipella & Williams as co-counsel for plaintiff, filed. g	
9-9-71	Case called for hearing on various motions. Motion for a more definite statement of deft. American Hoescht sustained in part and overruled in part; motion to produce of deft. Amer. Hoechst sustained and order signed and filed in open court covering both motions. Motion to quash service of summons and to dismiss for want of jurisdiction	

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	and improper venue of deft. Evsco is overruled and Mr. Gable to prepare order; motion to transfer to the East. Dist. of New York of deft. Evsco is overruled at this time and order to be prepared. Deft. Evsco given 30 days to file answer. (LB-J)m	
9-9-71	Order, filed in open court, that motion for more definite statement is sustained to extent that pltf. should amend its complaint & do so within 30 days -- remainder of motion is overruled; that pltf. is given 30 days to answer or object to interrogatories filed by deft. Amer. Hoechst; that pltf. is given 30 days to file response to motion to produce of deft. Amer. Hoechst. (LB-J)m	
10-5-71	Order, filed, that motion of deft. Evsco to quash service of summons and to dismiss for want of jurisdiction & improper venue is overruled; that motion of deft. Evsco to transfer cause to Eastern Dist. of N.Y. is overruled; that deft. Evsco is granted 30 days after receipt of amended complaint, & deft. Evsco is granted leave to renew motions at later date. (LB-J)m (copies mailed)	
10-7-71	Application of pltf. for extension of time to answer interrogatories and to file amended complaint, filed. m <i>order to judge</i>	
10-12-71	Order that pltf. is granted an additional 5 days from 10-7-71 to file answers to interrogatories & amended complaint, filed. (LB-J)m	
10-12-71	Answers to interrogatories by defendant American Hoechst Corp. filed. ds	
10-12-71	Amended complaint, filed. ds	
10-20-71	Notice of deft. American Hoechst Corp. to take depositions of Robert Whiteside and Harvey H. Ashmead at Ogden, Utah, 10-29-71, filed. g	
11-11-71	Answer and Counterclaim of Deft. American Hoechst Corporation. Filed. r	
11-12-71	Answer of Defendant EVSCO Pharmaceutical Corporation, filed. v	
11-12-71	Evsco's first set of interrogatories to Alpha Veterinary Supply, filed. m	
12-1-71	Case set for Pre-Trial on Dec. 15, 1971, at 1 P.M. (LB-J)v	
12-8-71	Case stricken from PT assignment of 12-15-71, to be reset on next pre-trial docket. (LB-J)m	
12-10-71	<u>Supplement to Answers to Interrogatories</u> by Defendant American Hoechst Corporation, filed. v	
12-10-71	<u>Memorandum Brief of Authorities in Support of Motion for More Definite Statement</u> , filed. v	
12-10-71	<u>Motion of Plaintiff, Alpha Veterinary Supply</u> , for more definite statement, filed. v	
12-13-71	Alpha Veterinary Supply, Inc. Answers to interrogatories propounded Defendant Evsco Pharmaceutical Corp., filed. v	
12-27-71	Motion of the Pltf. for Order Requiring Production of Documents Pursuant to Rule 37 of Federal Rules of Civil Procedure, filed. v	
12-27-71	Memorandum Brief in Support of Motion for Order Requiring Production of Documents Pursuant to Rule 37 of Federal Rules of Civil Procedure, filed. v	
12-30-71	Response of def. American Hoechst Corp. to Motion for Order Requiring Production of Documents, filed. rm	
1-3-72	Deposition of Richard E. Hackler, called by the Defendants, taken on 12-13-71 in Tulsa, Okla., before Jim J. Reed, CSR, with fees of \$109.00, filed. v	
1-12-72	Hearing held on pltf's motion for more definite statement and pltf's motion for order requiring production of documents pursuant to rule 37 of FRCP. Motion for more definite statement is denied at this time, to be taken up again at pre-trial hearing; in motion to produce, point 1 is agreed to by parties & as to point 2, parties are to ex-	

(continued)

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	change price lists when available. Deft. to prepare order. Case to be set for pre-trial and then to be tried to the Court. (LB-J) (Bud Bailey-CSR)hm	
1-18-72	Renewal of deft. Evsco Pharmaceutical Corp's motion to quash service of summons and to dismiss for want of jurisdiction, filed. hm	
1-18-72	Brief in support of renewal of motion of deft. Evsco to quash service of process and dismiss for want of jurisdiction, filed. hm	
1-19-72	Order, filed, that pltf's motion for more definite statement is overruled & pltf. given 20 days from date to further plead or answer. (LB-J)hm (copies mailed)	
1-19-72	Order, filed, that motion of pltf. for production of documents is overruled & case will be set for non-jury trial. (LB-J)hm (copies mailed)	
<u>1-31-72</u>	Answer of pltf. to counter-claim of def. American Hoechst, filed. rm	
2-9-72	Notice of Deposition on Friday, 2-18-72, of Harvey H. Ashmead, in Salt Lake City, Utah at 10:00 A.M., by the Deft.'s Atty.s, filed. v	
2-9-72	Request for Admissions Under Rule 36, by the Plaintiff, filed. v <i>before mailed</i>	
2-29-72	Interrogatories of def. Amer. Hoechst to def. Evsco, filed.rm	
3-9-72	Defendant Evsco's answers to interrogatories by American Hoescht Corp., filed. g	
3-13-72	Case called for hearing on renewal of deft. Evsco's motion to quash service of summons and to dismiss for want of jurisdiction. Court takes ruling under advisement and will enter an order within one week. (LB-J)hm	
3-16-72	Order sustaining motion of deft. Evsco Pharmaceutical Corp, filed and entered, that service of summons on deft. Evsco is hereby quashed & further ordered that cause is dismissed as to deft. Evsco Pharmaceutical Corp. (LB-J)hm (copies mailed)	
4-4-72	Case set for pre-trial 4-20-72 at 9:30 a.m. (LB-J)hm	
4-17-72	Deposition of H. DeWayne Ashmead taken on 2/18/72 by Vern D. Wilde, Notary Public, filed. rm	
4-17-72	Deposition of Harvey H. Ashmead taken on 2/18/72 by Vern D. Wilde, Notary Public, filed. rm	
4-20-72	Deft.'s Answer to Request for Admissions, filed. v	
4-20-72	Deft.'s Motion for Summary Judgment on Counter-Claim, filed. v	
4-20-72	Brief in support of motion for summary judgment of defendant's counter-claim, filed. ds	
4-20-72	Pre-trial hearing held. Pltf. to prepare pre-trial order within 10 days and case to be set for non-jury trial. EST-2 days. (LB-J)hm	
5-19-72	Pltf's Response to Deft's Motion for S/J on Counter-claim, filed. r	
5-19-72	Brief in support of Pltf's Response to Deft's Motion for Judgment of Counter-Claim, filed. r	
5-22-72	Stipulation and order, filed, that parties are given 30 days from date of order to file pretrial order. (LB-J)hm (copies mailed)	
6-26-72	Stipulation and order, filed, that parties are given 30 days from date of order to file pretrial order. (LB-J)hm (copies mailed)	
7-26-72	Stipulation and order, filed, that parties are given 30 days from date of order to file pretrial order. (LB-J)hm (copies mailed)	
8-30-72	Case called for hearing on deft's motion for S/J on counterclaim and passed pending settlement. (LB-J)hm	
<u>8-30-72</u>	Pretrial order, filed. rm	

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9-25-72	Deposition of James Edwin Seale, on behalf of the Deft., taken before Loyd J. Christesson, on the 17th of April, 1972, with fees of \$142.00, pd. by the Deft., filed. v	
2-14-73	Hearing held on deft's motion for S/J on counterclaim. Motion is sustained & Court enters judgment in favor of deft. against pltf. on counterclaim. Deft. to prepare order. Court orders stay of execution of judgment until final determination of issues. Case to be set for N/J trial. (LB-J)hm	
2-23-73	<u>Order Sustaining Deft.'s Motion for Summary Judgment on Counter-Claim, filed and entered. Ordered that Judgment be entered for the Deft. American Hoechst Corp. and against Pltf., Alpha Veterinary Supply in amount of \$18,598.73, plus interest in amount of \$1,942.50 pursuant to 23 O.S. 6, and atty.'s fees in amount of \$3,500.00, together with interest at rate of 10% per annum pursuant to 15 O.S. 274. Execution on this order is <u>STAYED</u> pending a determination of Pltf.'s Claim in the instant action or until further order of Court. (LB-J)v</u> -copies mailed	
3-15-73	Case set for non-jury trial 3-27-73 at 9:00 a.m. (LB-J)hm	
3-23-73	Case stricken from non-jury docket of 3-27-73 pending settlement.(LB-J)hm	
4-11-73	Joint application for order dismissing pltf's cause of action and for order of release and satisfaction of deft's judgment on cross-petition, filed. hm <i>Pltf</i>	
4-13-73	Order for Dismissal w/prejudice of Pltf's cause and Order for Release and Satisfaction of Deft's Judgment against Pltf on Cross-Petition, Filed & Entered. (LB-J)r (Copies mailed)	

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